Attorney's Docket No.: 12258-030001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marshik-Geurts et al. Art Unit: Unknown Serial No.: 10/635,330 Examiner: Unknown

Filed: August 5, 2003

Title : NEAR-INFRARED SPECTROSCOPIC ANALYSIS OF BLOOD VESSEL

WALLS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

POWER OF ATTORNEY BY ASSIGNEE AND ELECTION OF ASSIGNEE TO CONDUCT PROSECUTION TO EXCLUSION OF INVENTORS

The undersigned, as authorized representative of the assignee of the entire right, title and interest in the above-identified application, hereby appoints

J. PETER FASSE, Registration No. 32,983 HAROLD FOX, Registration No. 41,498 FAUSTINO A. LICHAUCO, Registration No. 41,942

as its attorneys to prosecute the application and to transact all business in the Patent and Trademark Office connected therewith with full powers of substitution and revocation, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 CFR §3.71 *et seq.* of the Patent Office Rules of Practice.

Ownership is in the assignee by virtue of an assignment, a copy of which is attached, and the original of which is being filed with the U.S. Patent & Trademark Office herewith. The documents evidencing ownership have been reviewed and to the best of the assignee's knowledge and belief, title is in the assignee.

Please direct all communications regarding the application to Customer Number 26161.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

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Assignee: InfraReDx, Inc.

Signature: Typed name:_

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JPF/dmc

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Applicant or Patentee: Serial or Patent No.:

Marshik-Geurts et al.

10/635,330

Filed or Issued: For:

August 5, 2003
NEAR-INFRARED SPECTROSCOPIC ANALYSIS OF BLOOD VESSEL WALLS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c)) — SMALL BUSINESS CONCERN

I hereby declare that I am

[] the owner of the small business concern identified below:

[X] an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Address of Small Business Concern:

INFRAREDX, INC. 125 Cambridge Park Drive

Cambridge, Massachusetts 02140

United States of America

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.802, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled NEAR-INFRARED SPECTROSCOPIC ANALYSIS OF BLOOD VESSEL WALLS by inventor(s) BARBARA J. MARSHIK-GEURTS, JING TANG AND ANDRES ZULUAGA described in:

[] the specification filed herewith.

[X] application serial no. 10/635,330, filed August 5, 2003.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: Address:				
	[] INDIVIDUAL	[] SMALL BUSINESS CONCERN	[] NONPROFIT ORGANIZATION	

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status when any new rule 53 application is filed or prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Name:				
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Address:	125 Cambridge Park Drive			
	Cambridge, Massachusetts 02140			
	United States of America			
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Signature:	am	x Cuchod	Date: 9/11/03
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